

BEFORE THE  
**Federal Communications Commission**  
 WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Cellular Service and Other Commercial	)	WT Docket No. 97-112
Mobile Radio Services in the Gulf of	)	
Mexico	)	
	)	
Amendment of Part 22 of the Commis-	)	CC Docket No. 90-6
sion's Rules to Provide for Filing and	)	
Processing of Applications for Unserved	)	
Areas in the Cellular Service and to	)	
Modify Other Cellular Rules	)	

**COMMENTS OF  
 BENBOW PCS VENTURES, INC.**

Benbow PCS Ventures, Inc. ("Benbow"),<sup>1</sup> pursuant to Section 1.429(f) of the Commission's rules, hereby submits comments on the *Second Notice of Proposed Rulemaking* adopted in the above-referenced proceeding ("*Second NPRM*").<sup>2</sup>

<sup>1</sup> Benbow is owned by June E. Walsh, the controlling majority shareholder, and The Westlink Company, a wholly-owned subsidiary of Arch Communications Group, Inc. Benbow owns Cal Autofone and Radio Electronics Products Corporation, two small paging companies providing traditional paging service in northern California. Benbow has also recently announced a proposed acquisition of three regional NPCS authorizations currently held by Page Call, Inc., which acquisition is subject to Commission approval. Ms. Walsh is a 25-year veteran of the paging industry, having operated paging systems in the northern California area prior to merging operations into Benbow.

<sup>2</sup> *In the Matter of Amendment of Cellular Service and Other Commercial Mobile Radio Services in the Gulf of Mexico, Amendment of Part 22 of the Commission's Rules to Provide for the Filing and Processing of Applications for Unserved Areas in the Cellular Service and to Modify Other Cellular Rules*, WT Docket No. 97-112, CC Docket No. 90-6, Second Notice of Proposed Rule Making, 12 FCC Rcd 4576 (March 28, 1997). By Order dated May 30, 1997, the Commission extended the deadline for Comments in this proceeding to July 2, 1997. See *Order*, WT Docket No. 97-112, CC Docket No. 90-6, 1997 LEXIS 2829 (May 30, 1997).

In the *Second NPRM*, the Commission reexamines its cellular rules as they apply to the Gulf of Mexico Service Area ("the Gulf"). The Commission also solicits comment on whether to authorize other commercial mobile radio service ("CMRS") providers, particularly PCS and SMR, for operations in the Gulf. As the regional narrowband PCS ("NPCS") licensee for Region R004-06, which encompasses several MTAs bordering the Gulf, Benbow has a direct and clear interest in the issues raised in the instant proceeding.

Benbow submitted a net high bid in the amount of \$17,480,000.00 for the Region R004-06 NPCS license during the Commission's regional NPCS auction.<sup>3</sup> This region includes the Houston, San Antonio and New Orleans-Baton Rouge MTAs, each of which border the Gulf. Benbow obtained the license for this region with the expectation that it would be able to deploy a contiguous land-based NPCS system and provide service throughout the region's MTAs, including coastal areas.

Should the Commission authorize additional NPCS carriers for operations in the Gulf, however, Benbow will likely be precluded from serving coastal areas in the MTAs listed above. Such action would constitute an unlawful modification of Benbow's Region R004-06 NPCS authorization, and would be in violation of Benbow's right to fully deploy land-based NPCS systems throughout its licensed service area, consistent with the technical rules in existence at the time Benbow acquired the Region R004-06 license and which are set forth in Sections 24.102, 24.103, 24.131, 24.132, 24.133, 24.134 and 24.135 of the Commission's rules.

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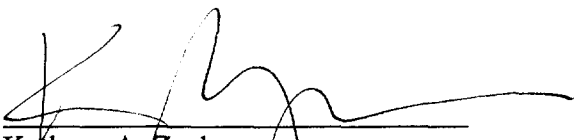
<sup>3</sup> Benbow also acquired the regional NPCS license for Region R005-06 after submitting a net high bid in the amount of \$18,201,000.00 during the Commission's regional NPCS auction.

For the foregoing reasons, it would be unlawful for the Commission to develop a Gulf of Mexico licensing scheme that would in any way enable new service providers to preclude incumbent NPCS licensees such as Benbow from fully deploying land-based systems within their authorized service areas, including coastal areas.

Respectfully submitted,

**BENBOW PCS VENTURES, INC.**

By:



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